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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,183	07/29/2003	Ronald Marsh	U66.12-0005	7201
164	7590	09/09/2005	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			BROADHEAD, BRIAN J	
		ART UNIT	PAPER NUMBER	
		3661		

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,183	MARSH, RONALD	
	<b>Examiner</b> Brian J. Broadhead	<b>Art Unit</b> 3661	

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian J. Broadhead. (3) Austen P. Zuege.  
 (2) David R. Faibairn. (4) \_\_\_\_\_.

Date of Interview: 05 September 2005.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1-41.

Identification of prior art discussed: Acock et al., 2004/0198389.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Brian J. Broadhead  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative presented a draft amendment and remarks. Applicant's representative stated that Alcock et al doesn't disclose "tuning" the portable system to a different broadcast signal based on the location of the portable system. The examiner pointed out a section of Alcock et al. that discusses data channels that are associated with geographic locations. The examiner also stated that the claim language doesn't make it clear that the current invention is changing frequencies or data channels when is receiving only an emergency data broadcast signal associated with a location of the portable system.

## Applicant Initiated Interview Request Form

Application No.: 10/629,183 First Named Applicant: Ronald Marsh  
 Examiner: Brian J. Broadhead Art Unit: 3661 Status of Application: Pending

## Tentative Participants:

(1) David R. Fairbairn (2) Austen P. Zuege  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: September 6, 2005 Proposed Time: 1:30 PM (AM/PM) (EST)

## Type of Interview Requested:

(1)  Telephonic (2)  Personal (3)  Video Conference

Exhibit To Be Shown or Demonstrated:  YES  NO  
 If yes, provide brief description: \_\_\_\_\_

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s 1-11, 13-15 Prior 17, 18, 20-27 Art 29-41 Alcock, Videtic [ ]	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Obj.</u>	<u>12, 16, 19, 28</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

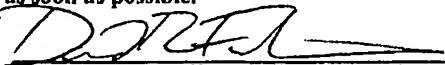
## Brief Description of Arguments to be Presented:

The rejections and objections to the claims will be discussed in light of proposed clarifying amendments

An interview was conducted on the above-identified application on 9/6/05.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



Applicant/Applicant's Representative Signature

David R. Fairbairn

Typed/Printed Name of Applicant or Representative

26,047

Registration Number, if applicable



Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

*Draft*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named	
Inventor	: Ronald Marsh
Appln. No.	: 10/629,183
Filed	: July 29, 2003
Title	: WEATHER INFORMATION NETWORK ENABLED MOBILE SYSTEM (WINEMS)
Docket No.	: U66.12-0005

Group Art Unit: 3661  
Examiner:  
Brian J. Broadhead

**[PROPOSED] AMENDMENT**

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SENT VIA EXPRESS MAIL**

Express Mail No.:

**INTRODUCTION**

This is in response to the Office Action mailed on June 6, 2005. Please amend the above-identified application as follows:

*Draft*

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**AMENDMENTS TO THE CLAIMS**

Please amend claims 1-6, 11, 14-15, 20-22, and 33, such that the status of the claims is as follows:

1. (Twice Amended) A portable alert system for use with a location data source and an emergency data source, the portable alert system comprising:

a location data source receiver for identifying a location of the portable alert system based upon location data from the location data source;

an emergency data source receiver for notifying the portable alert system of an emergency event identified in an emergency data broadcast signal from the emergency data source;

a computer processor located in the portable alert system to process the location data and emergency data to obtain image data which correlates the location of the portable alert system and the emergency event, wherein the computer processor further processes the location data to automatically program the portable alert system to receive only an emergency data broadcast signal associated with the location of the portable alert system; and

a display for displaying the image data.

2. (Currently Amended) The portable alert system of claim 1 wherein the location data source receiver comprises a global positioning system receiver.

3. (Currently Amended) The portable alert system of claim 1 wherein the emergency data source receiver comprises a radio system receiver configured to receive specific area message encoding signals from the National Weather Service.

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4. (Currently Amended) The portable alert system of claim 1 wherein the emergency data source receiver comprises a satellite receiver configured to receive digital radar data from a satellite.
5. (Currently Amended) The portable alert system of claim 1 wherein the emergency data source receiver comprises a cell phone system configured to receive digital radar data from a remote computer server.
6. (Twice Amended) The portable alert system of claim 1 wherein the emergency data source receiver comprises a land-based phone system configured to receive digital radar data from a remote computer server.
7. (Original) The portable alert system of claim 1 wherein the image data is a digital map.
8. (Original) The portable alert system of claim 7 and further comprising a radar image superimposed on the digital map.
9. (Original) The portable alert system of claim 8 and further comprising an icon showing a location of the portable alert system on the digital map.
10. (Original) The portable alert system of claim 9 and further comprising an icon showing the location of the emergency event on the digital map.
11. (Twice Amended) A portable alert system for receiving emergency event data, the portable alert system comprising:
  - a radio system receiver for receiving emergency event data;
  - a global positioning system receiver for determining a location of the portable alert system;

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a computer processor disposed within the portable alert system having control software for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further processes the input from the global positioning system receiver to automatically program the portable alert system radio receiver to receive only an emergency data broadcast data signal associated with the location of the portable alert system.

12. (Original) The portable alert system of claim 11 and further comprising a satellite receiver for receiving weather radar data.

13. (Original) The portable alert system of claim 11 wherein the control software further comprises mapping software, and wherein the control software outputs to a display a digital map.

14. (Currently Amended) The portable alert system of claim 11 wherein the radio system receiver comprises an NOAA weather radio configured to receive specific area message encoding signals.

15. (Currently Amended) The portable alert system of claim 11 wherein the radio system receiver is further configured to receive non-emergency data until an emergency event data is received.

16. (Previously presented) The portable alert system of claim 12 wherein the satellite receiver is configured to received digital radar data from a satellite radio.

17. (Original) The portable alert system of claim 11 wherein the emergency event data relates to a weather emergency broadcast by the National Weather Service.

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18. (Original) The portable alert system of claim 11 wherein the emergency event data comprises an AMBER alert.

19. (Original) The portable alert system of claim 11 and further comprising a cellular phone system for receiving digital weather radar data.

20. (Twice Amended) The portable alert system of claim 11 and further comprising a land-based telephone phone system for receiving weather radar data.

21. (Twice Amended) The portable alert system of claims 19 and or 20 wherein the cellular telephone system is configured to receive digital weather radar data from a computer.

22. (Twice Amended) A method for obtaining and displaying emergency alert data based on a position of a portable alert system, the method comprising:

receiving an emergency alert from an alert broadcasting system;  
determining a location of the portable alert system based on information from a global positioning receiver;  
automatically programming the portable alert system as a function of the location of the portable alert system to receive only an emergency data broadcast signal associated with the location of the portable alert system; and  
displaying the location of the portable alert system and information regarding the emergency alert on a display device.

23. (Original) The method of claim 22 wherein receiving an emergency alert comprises receiving a specific area message encoding signal from the National Weather Service.

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24. (Original) The method of claim 22 wherein receiving an emergency alert comprises receiving an AMBER alert.

25. (Original) The method of claim 22 wherein receiving an emergency alert comprises receiving a weather emergency, and further comprising obtaining weather radar data upon receiving the weather emergency alert.

26. (Original) The method of claim 25 wherein obtaining weather radar data comprises obtaining digital radar data from a satellite receiver.

27. (Original) The method of claim 25 wherein obtaining weather radar data comprises obtaining weather radar data from a cellular phone system.

28. (Original) The method of claim 24 wherein displaying information regarding the emergency alert comprises displaying a photograph.

29. (Original) The method of claim 25 wherein displaying information regarding the emergency alert comprises displaying a map and a weather radar image on the map.

30. (Original) The method of claim 22 wherein displaying the location of the portable alert system and information regarding the emergency alert comprises displaying a map.

31. (Original) The method of claim 30 and further comprising displaying an icon representing the location of the portable alert system on the map.

32. (Original) The method of claim 30 and further comprising displaying an icon representing the emergency alert on the map.

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33. (Currently Amended) A method of automatically programming a weather radio, the method comprising:

determining a location of the weather radio based on information from a global positioning receiver;

correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data; and

automatically programming the weather radio based on the location code data to receive only geographic weather radio broadcast information associated with the location of the weather radio.

34. (Original) The method of claim 33 wherein determining a location of the weather radio comprises determining a latitude and longitude description of the location of the weather radio.

35. (Original) The method of claim 34 wherein obtaining location code data comprises comparing the latitude and longitude description of the location of the weather radio to a database of location codes.

36. (Original) The method of claim 33 and further comprising:

determining a best fit rectangle surrounding the location of the weather radio;

comparing the best fit rectangle to a database of location codes; and

selecting a location code located in the best fit rectangle.

37. (Original) The method of claim 33 and further comprising:

obtaining a radius surrounding the location of the weather radio;

comparing the radius to a database of location codes; and

selecting a location code located in the radius.

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38. (Previously Added) The portable alert system of claim 1 wherein the computer processor further comprises control software that automatically converts position data to FIPS code data.

39. (Previously Added) The portable alert system of claim 11 wherein the control software further comprises a software routine to automatically convert position data to FIPS code data.

40. (Previously Added) The method of claim 35, wherein correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data comprises obtaining a FIPS code.

41. (Previously Added) The method of claim 37, wherein correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data further comprises comparing the location of the weather radio to a database containing FIPS codes organized by geographic location.

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REMARKS

This is an amendment in response to the Office Action mailed June 6, 2005 in which claims 1-11, 13-15, 17, 18, 20-27 and 29-41 were rejected and claims 12, 16, 19 and 28 were objected to. Claims 1-10 and 38 were rejected under 35 U.S.C. §112, ¶2, as being indefinite. Claims 6, 20 and 21 were rejected under 35 U.S.C. §112, ¶1, as not reasonably providing enablement. Claims 36, 37 and 41 were rejected under 35 U.S.C. §112, ¶1, as failing to satisfy the written description requirement. Claims 1, 2, 4, 5, 7-11, 13, 15, 17, 22, 25-27 and 29-35 were rejected under 35 U.S.C. 102(e) as being anticipated by Alcock et al. (US 2004/0198389). Claims 3, 6, 14, 20, 21, 23 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Videtich (US 2004/0080430). Claims 18 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Lamb (US 2003/0193394). Claim 15 was objected to based on an informality. Claims 12, 16, 19, 28, 36, 37 and 41 were objected to as being dependent upon rejected base claims, but were indicated to be allowable if rewritten in independent form.

Claim Rejections - 35 U.S.C. §112

Claims 1-10 and 38 were rejected under 35 U.S.C. §112, ¶2, as being indefinite. Independent claim 1 has been presently amended to clarify the subject matter claimed, and amended independent claim 1 now properly provides antecedent basis for each claim element and provides all essential structural cooperative relationships. Claims 2-10 and 38 depend from amended independent claim 1, and are also currently in proper form. Therefore, the rejections under §112, ¶2 should be withdrawn.

Claims 6, 20 and 21 were rejected under 35 U.S.C. §112, ¶1, as not reasonably providing enablement for the emergency data source being a land-based system. As recited in the claims, the system is "portable". The term "portable" is distinguishable from the term "mobile". (See p. 2, ln. 18). The term "portable" as used in the claims is not limited to embodiments where the system is in motion while operating. Thus, it is possible for the emergency data receiver to be selectively connected to a land-based phone system. Moreover, the specification as originally filed

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disclosed the use of a land based phone system (96) in conjunction with a cell phone system (90), and the use of such a land-based phone system would be understood by one of ordinary skill in the art. (See p.12, ll. 20-22).

Claims 36, 37 and 41 were rejected under 35 U.S.C. §112, ¶1, as failing to satisfy the written description requirement for how a "best fit rectangle" or "radius" is determined. "Best fit rectangle" and "radius" would be understood by one of ordinary skill in the art with respect to mapping, geographical analysis, and graphical imaging. For instance, "best fit rectangle" would be understood in the context of bounding box techniques. See e.g., "Bounding Box Techniques to Initialize Optimization of Primitive Geometry Fitting" JOURNAL OF MANUFACTURING SYSTEMS, 2004 by Chen, Austin H, Kurfess, Thomas W. In addition, the system need not select between location codes. For example, the receiver can include information from all the broadcast signals associated with a current location, or these issues can be addressed in establishing a database of location codes.

Claim Rejections - 35 U.S.C §102(e)

Claims 1, 2, 4, 5, 7-11, 13, 15, 17, 22, 25-27 and 29-35 were rejected under 35 U.S.C. 102(e) as being anticipated by Alcock et al. (US 2004/0198389). However, Alcock et al. does not show, teach or disclose each and every element of amended independent claims 1, 11, 22 and 33.

Amended independent claim 1 relates to a portable alert system for use with a location data source and an emergency data source. The portable alert system of claim 1 includes a location data receiver, an emergency data receiver, a display, and a computer processor for automatically programming the portable alert system to receive only an emergency broadcast signal from the emergency data source that is associated with a location of the portable alert system. Automatic programming can be accomplished using a the computer processor to run software to convert location data to a FIPS code, and match the appropriate FIPS code to a SAME code for receiving only a SAME-coded broadcast signal associated with the location of the portable alert system (See p. 7, ll. 17-19; p. 9, ll. 14-19; p.13-3-10).

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Alcock et al. discloses a system and method for delivery of location specific information. Alcock et al. utilizes a base station (10) that gathers information from disparate data sources (13) and then rebroadcasts custom signals using a transmitter (15). (Alcock et al., ¶¶17 and 20; FIGS. 1 and 2). Receiver (12) can determine their location using a location system or by a user manually typing in a location code. (Alcock et al., ¶¶17 and 31). The receiver (12) receives *all* the broadcast signals from the transmitter (15) and then processes those signals to filter out (i.e., "discriminate") only the data relevant to the current location of the receiver (12) for display. (Alcock et al., ¶¶17, 21 and 32). Received data that is determined not to be relevant after processing "is discarded." (Alcock et al., ¶34). Thus, the system disclosed by Alcock et al. requires the use of a fixed (i.e., non-portable) base station (10) for obtaining location specific data, while permitting more efficient network usage at the base station (10). (Alcock et al., ¶¶17-19 and 21). In another aspect of the system disclosed by Alcock et al., a number of pie-shaped regions (22A-22D) surrounding the transmitter (15) have location-specific broadcasts from the base station (10). (Alcock et al., ¶18). In other words, the base station (10) and transmitter (15) limit availability of the broadcast data in order to achieve location-specific data display depending on the location of the receiver (12): "Only information corresponding to locations within a sector 22A-22D are broadcast to that sector." (Alcock et al., ¶18).

Alcock et al. does not show, teach or disclose automatically programming the receiver to receive only broadcast signals associated with the location of the receiver. Instead, "self-programming" of the receiver in Alcock et al. involves only determining a location of the receiver (12) and then selectively displaying broadcast data based on the location of the receiver (12). However, this aspect of the Alcock et al. system requires that all broadcast signals from the base station (10) be received by the receiver (12), and then filtering the many signals received for selective display. It is necessary that the receivers (12) disclosed by Alcock et al. receive all broadcast signals in order to interpret "header" information in those broadcasts, in order to filter out desired data for display. (Alcock et al., ¶34). Even where more than one base station (10) is used, Alcock et al. would require processing broadcast signals for multiple geographic regions. (Alcock et al., ¶¶34 and

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36). The system of claim 1 is distinguishable in that automatic programming to receive only location-specific emergency data is performed within the portable system .

Moreover, in a sector-specific aspect of the Alcock et al. system, the receiver (12) lacks processing capabilities for automatically programming itself. (Alcock et al., ¶18). In that aspect, the base station (10) and transmitter (15) of Alcock et al. predetermine location-specific broadcasts and the receiver (12) receives or doesn't receive location-specific data based solely on the broadcast range of the transmission from the transmitter (15), without any automatic programming by the receiver (12) as required by claim 1 of the present invention. (Alcock et al., ¶18; see also Alcock et al., ¶36). Amended independent claim 1 requires that automatic programming is performed by the computer processor, which must be located within the portable system (i.e., not a fixed base station). Although Alcock et al. also discloses receiving information pertaining to multiple geographic sectors simultaneously, that aspect still requires the discrimination process described above, which involves receiving multiple signals and later filtering the data contained in them. (Alcock et al., ¶¶32 and 42).

Alcock et al. requires either receiving multiple signals and then filtering the received data, or relying on geographic sector-specific broadcasts without any filtering capabilities. However, Alcock et al. does not disclose automatically programming the portable alert system to receive only desired broadcast signals. Therefore, Alcock et al. does not show, teach or disclose each and every element of amended independent claim 1, and the rejection of under §102(e) should be withdrawn. Claims 2, 4, 5 and 7-10 depend from amended independent claim 1 and contain all of the limitations of the base claim. Therefore, the rejection of claims 2, 4, 5 and 7-10 under §102(e) should also be withdrawn.

Amended independent claim 11 relates to a portable alert system for receiving emergency data. The portable alert system of claim 11 includes a radio receiver, a global positioning system (GPS) receiver, and a computer processor having control software for provide an output to a display and to automatically program the radio receiver to receive only an emergency broadcast data signal associated with a location of the portable alert system.

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As discussed above with respect to amended independent claim 1, Alcock et al. does not disclose automatically programming a portable alert system to receive only an emergency broadcast data signal associated with the location of the portable alert system. The embodiments of the invention disclosed by Alcock et al. require either receiving multiple signals and then filtering the received data, or relying on geographic sector-specific broadcasts without any filtering capabilities. However, Alcock et al. does not disclose automatically programming the portable alert system to receive only desired broadcast signals. Therefore, Alcock et al. does not show, teach or disclose each and every element of amended independent claim 11, and the rejection of under §102(e) should be withdrawn.

Claims 13, 15 and 17 depend from amended independent claim 11 and contain all of the limitations of the base claim. Therefore, the rejections of claims 13, 15 and 17 under §102(e) should also be withdrawn.

Amended independent claim 22 relates to a method of obtaining and displaying emergency alert data based on a position of a portable alert system. The method includes receiving an emergency alert from an alert broadcasting system, determining a location of the system based on GPS information, automatically programming the system as a function of its location to receive only an emergency data broadcast signal associated with its location, and displaying location and emergency alert information on a display device.

As discussed above with respect to amended independent claims 1 and 11, Alcock et al. does not disclose automatically programming a portable alert system as a function of its location to receive only an emergency data broadcast signal associated with its location. Alcock et al. requires either receiving multiple signals and then filtering the received data, or relying on geographic sector-specific broadcasts without any filtering capabilities. However, Alcock et al. does not disclose automatically programming the portable alert system to receive only desired broadcast signals. Therefore, Alcock et al. does not show, teach or disclose each and every element of amended independent claim 22, and the rejection of under §102(e) should be withdrawn.

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Claims 25-27 and 29-32 depend from amended independent claim 22 and contain all of the limitations of the base claim. Therefore, the rejection of claims 25-27 and 29-32 under §102(e) should also be withdrawn.

Amended independent claim 33 relates to a method of automatically programming a weather radio. The method includes determining a location of the weather radio, correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data, and automatically programming the weather radio based on the location code data to receive only geographic weather radio broadcast information associated with the location of the weather radio.

As discussed above with respect to amended independent claims 1, 11 and 22, Alcock et al. does not disclose automatically programming a weather radio based on location code data to receive only geographic weather radio broadcast information associated with the location of the weather radio. Alcock et al. requires either receiving multiple signals and then filtering the received data, or relying on geographic sector-specific broadcasts without any filtering capabilities. However, Alcock et al. does not disclose automatically programming the portable alert system to receive only desired broadcast signals. Therefore, Alcock et al. does not show, teach or disclose each and every element of amended independent claim 33, and the rejection of under §102(e) should be withdrawn.

Claims 34 and 35 depend from amended independent claim 33 and contain all of the limitations of the base claim. Therefore, the rejection of claims 34 and 35 under §102(e) should also be withdrawn.

Thus, all of the rejections under 35 U.S.C. §102(e) should be withdrawn. Notification to that effect is respectfully requested.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3, 6, 14, 20, 21, 23 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Videlich (US 2004/0080430). The

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June 6, 2005 Office Action cited Videtich as disclosing a land based phone system and the use of SAME signals. However, as discussed above with respect to the rejections under §102(e), Alcock et al. does not disclose automatically programming the portable alert system to receive only desired broadcast signals. Thus, Alcock et al. in view of Videtich do not together disclose or suggest each and every limitation of amended independent claims 1, 11, 22 and 33. Dependent claims 3, 6, 14, 20, 21, 23 and 38-40 depend from amended independent claims 1, 11, 22 and 33 and each include all of the limitations of the base claim. Thus, the rejections under §103(a) should be withdrawn.

Claims 18 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alcock et al. (US 2004/0198389) in view of Lamb (US 2003/0193394). The June 6, 2005 Office Action cited Lamb as disclosing NOAA data broadcasts that include AMBER alerts. However, as discussed above with respect to the rejections under §102(e), Alcock et al. does not disclose automatically programming the portable alert system to receive only desired broadcast signals. Thus, Alcock et al. in view of Videtich do not together disclose or suggest each and every limitation of amended independent claims 11 and 22. Dependent claims 18 and 24 depend from amended independent claims 11 and 22, respectively, and each include all of the limitations of the base claim. Thus, the rejections under §103(a) should be withdrawn. Notification to that effect is respectfully requested.

#### Claim Objections

Claim 15 was objected to based on an informality. Amended dependent claim 15 has clarifies the antecedent basis for the term "emergency event data", and the objection should be withdrawn.

Claims 12, 16, 19, 28, 36, 37 and 41 were objected to as being dependent upon rejected base claims, but were indicated to be allowable if rewritten in independent form. The allowability of dependent claims 12, 16, 19, 28, 36, 37 and 41 is acknowledged. However, in light of the preceding discussion, it is submitted that all of claims 12, 16, 19, 28, 36, 37 and 41 are in condition for allowance in their current form. Withdrawal of the objections to those claims is therefore requested.

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Response to Arguments From June 6, 2005 Office Action

The June 6, 2005 Office Action presented responses to previous arguments by the Applicant. In light of the current claim amendments regarding the location of the computer processor (and the location of the location/signal correlation software) to clarify its location within the portable system, the construction presented in the Office Action is moot. For example, use of a satellite receiver need not be exclusive, as both radio and satellite reception can be used (e.g., with image data provided by digital radar data from the satellite). It is further respectfully submitted that distinctions between satellite and radio or other systems is not critical to patentability over the prior art of record.

CONCLUSION

Pending claims 1-41 of the present application are in condition for allowance. Reconsideration and notice to that effect is respectfully requested. The Examiner is invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate allowance of the application.

Respectfully submitted,

KINNEY &amp; LANGE, P.A.

Date: \_\_\_\_\_

By: \_\_\_\_\_

David R. Fairbairn, Reg. No. 26,047  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

DRF:AZ:bmg